1954 1941.

File No. B. Rent Restriction/41

Legal DEPARTMENT

B. BRANCH

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Subject.—

A. Bill to amend the Bombay Rent Restriction Act, 1939

File No. B. Rent Restriction /41

Etd. Sectt. Slip. 21 A

248 - B.

Contents.

Legal Department File No. B. Rent Restriction/41.

Sr. No.	Compilation. No.	Subject.	Pages.
1.	U. R. to G. D. No. 1623. Dated 20th Feb., 1941.	Bill to amend the Bombay Rent Restrictions Act, 1939 calling for copies for obtaining assent on.	1-2.
2.	U. R. to G. D. No. 1965 Dated 27th Feb., 1941.	Forwarding the revised draft bill.	3-5.
3.	G. R. L. D. No. 2748 Dated 26th March, 1941.	Publication of the Act.	7- 20

MRR.
25/4.

27/4

DMD
27/4.

Office of the R. L. A.

The Bill (at. p. 7 ante) as slightly amended is in order.

2. The General Department is requested to send twenty copies of the Bill, sixteen copies printed on white paper and four copies printed on blue paper, while forwarding the papers to the Legal Department for obtaining assent to the Bill.

sd/-
20/2/41

For Remembrancer of Legal Affairs.

U. R. to G. D. No. 1023 dated the 20th February, 1941.

MRR.

25/4.

1862.
22/2/41.

Office of the R.L.A

As it is intended to convert some of the notified areas specified in section 1 (2) (iv) of the Act into municipal districts or villages, it will be necessary to insert a new clause in the Bill providing that the Act shall Cont'nue to apply to such areas even after their ceasing to be notifie areas. A revised draft Bill is accordingly sent herewith. It may be got reprinted and sixteen copies of it printed onwhite paper and four on blue paper may be sent to this department for obtaining H. E.'s assent.

sd/-

Remembrancer of Legal Affairs.

H. R. to G. D. No. 1845, dated 27th -2-1941.

MRr.

25/4.

Acts. Publication of the Bombay Rent Restriction (Amendment) Act, 1941.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 2748.
Bombay Castle, 26th March 1941.

Letter to the Secretary to the Governor, No. 2113, dated the 8th March 1941.

Letter from the Secretary to the Governor, No. 201 (61), dated the 21st March 1941.

" With reference to your letter No. 2113, dated the 8th March 1941, I am directed to state that intimation has been received from the Secretary to the Governor-General (public) that the Governor-General assented to the Bombay Rent Restriction (amendment) Bill, 1941, on the 19th March."

Letter from the Secretary to the Governo No. 201 (16) dated the 22nd March 1941.

" In continuation of my letter No. 201 (16) dated the 21st March 1941, I am directed to forward herewith the authentic copy of the Bill to amend the Bombay Rent Restriction Act, 1939, with His Excellency the Governor-General's assent signified thereon."

RESOLUTION. The law should be published as Bombay Act No. V of 1941, in the Bombay Government Gazette dated the 27th March, 1941.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari Scripts) and the translation should be published in the Bombay Government Gazette.

3 A copy of the Act should be forwarded to the General Department with reference to the Memorandum from that Department No. 3259/33-A, dated the 8th March 1941.

By order of the Governor of Bombay,

sd/-
V. N. Moes
For Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 15 gazette copies of the Act may be forwarded to the Legal Department).
The General Department.
The Oriental Translator to Government)
The Secretary to the Bombay Legislative Council,) With acopy of
The Secretary to the Bombay Legislative Assembly) of the Act.

ith five Extra copies.

MRi
25/4

Registered No. B-1

The

Bombay Government Gazette

PUBLISHED BY AUTHORITY.

THURSDAY, 27TH MARCH 1941.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

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The following Act made by the Governor of Bombay in exercise of the powers vested in him by virtue of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, having been assented to by the Governor General on the 22nd March 1941 is hereby published for general information.

P. N. MOOS,

Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. IV OF 1941.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 27th March 1941.)

An Act to amend the Bombay Finance Act, 1932.

WHEREAS it is expedient to amend the Bombay Finance Act, 1932, for the purposes hereinafter appearing;

And Whereas the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

26 Geo. 5, c. 2.

Now, therefore, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Finance (Amendment) Act, 1941.

(*2*) It shall come into force on 31st March 1941.

Amendment of section 2 of Bom II of 1932.

2. In sub-section (*3*) of section 2 of the Bombay Finance Act, 1932 (hereinafter called "the said Act"), for the word "nine" the word "ten" shall be substituted.

Bom. II of 1932.

Amendment of section 15 of Bom. II of 1932.

3. In sub-section (*5*) of section 15 of the said Act,—

(1) after clause (*e*) the following new clause shall be inserted, namely:—

"(*ee*) in the entry in column 2 of Article 33 for the words 'as set forth in such instrument' the following shall be substituted, namely:—

'which is the subject-matter of the gift:

Provided that where an instrument of gift contains any provision for the revocation of the gift, the value of the property which is the subject-matter of the gift shall, for the purposes of duty, be determined as if no such provision were contained in the instrument.'".

(2) after clause (*f*), the following new clause shall be added, namely :—

" (*g*) in the entry in column 2 of Article 58,—

(i) the words 'as set forth in such settlement' shall be deleted ; and

(ii) after the words 'eight annas' the following shall be inserted, namely :—

'Provided further that where an instrument of settlement contains any provision for the revocation of the settlement, the amount or value of the property settled shall, for the purposes of duty, be determined as if no such provision were contained in the instrument'."

Amendment of section 18 of Bom. II of 1932.

4. In section 18 of the said Act,—

(1) in the entry in column 2 of Article 33, for the words "as set forth in such instrument", the following shall be substituted, namely :—

" which is the subject-matter of the gift :

Provided that where an instrument of gift contains any provision for the revocation of the gift, the value of the property which is the subject-matter of the gift shall, for the purposes of duty, be determined as if no such provision were contained in the instrument ".

(2) in the entry in column 2 of Article 58,—

(i) the words "as set forth in such settlement" wherever they occur shall be deleted ; and

(ii) after the words "shall not exceed one rupee" the following shall be inserted, namely

" Provided further that where an instrument of settlement contains any provision for the revocation of the settlement, the amount or value of the property settled shall, for the purposes of duty, be determined as if no such provision were contained in the instrument."

5. (*1*) In section 22 of the said Act for the word "ten" the word "eight" and for the word "five" the word "four" shall, respectively, be substituted. Amendment of section 22 of Bom. II of 1932.

(*2*) Nothing contained in this section shall affect the liability of any person to pay the Urban Immoveable Property tax in respect of any building or land or portion thereof for any period prior to the date of the coming into force of this Act at the rate at which it was leviable before such date

6. (*1*) In section 27 of the said Act, for sub-section (*1*) the following shall be substituted, namely :— Amendment of section 27 of Bom. II of 1932.

"(*1*) When any building or land assessed to Urban Immoveable Property tax is situated in the City of Bombay—

(*a*) if a drawback of the property tax is sanctioned in respect of such building or land under section 158 of the City of Bombay Municipal Act, 1888, on or after 1st October 1939, or

Bom. III of 1888.

(*b*) if a refund of the property tax is sanctioned in respect of such building or land or any portion thereof under section 175 of the City of Bombay Municipal Act, 1888, on or after 1st October 1939, or.

Bom. III of 1888.

(*c*) if such building or any portion thereof is demolished or removed, otherwise than by order of the Municipal Commissioner for the City of Bombay on or after 1st April 1939 and notice in respect of such demolition or removal has been given to the Commissioner under section 153 of the City of Bombay Municipal Act, 1888,

m. III 1888.

the Municipal Corporation of the City of Bombay shall remit or refund such portion of the Urban Immoveable Property tax, in such manner and subject to such conditions as may be prescribed.

(*1A*) When any building or land assessed to Urban Immoveable Property tax is situated in any Municipal area other than the City of

Bombay, if a remission or refund of the property tax is granted in respect of such building or land under sub-section (*2*) of section 69 of the Bombay District Municipal Act, 1901, or sub-section (*2*) of section 86 of the Bombay Municipal Boroughs Act, 1925, as the case may be, the Municipality concerned shall remit or refund such portion of the Urban Immoveable Property tax, in such manner and subject to such conditions as may be prescribed. Bom. I of 1901 Bom. XVIII 1925.

(*1B*) When any building or land assessed to Urban Immoveable Property tax is situated in the Cantonment of Ahmedabad, if a remission or refund of the property tax is granted in respect of such building or land under section 75, 76 or 77 of the Cantonments Act, 1924, the Collector of Ahmedabad shall remit or refund such portion of the Urban Immoveable Property tax, in such manner and subject to such conditions as may be prescribed."

Amendments to have retrospective effect.

(*2*) The amendments made by this section in section 27 of the said Act shall be deemed to have been made and to have taken effect from the 1st day of April 1939.

Claims for remission or refund of the tax for any period before the commencement of this section not to be admitted if a refund of the tax for such period has been already granted.

(*3*) Notwithstanding anything contained in section 27 of the said Act as amended by this section, no claim for remission or refund of any portion of the Urban Immoveable Property tax, levied in respect of any building or land for any period prior to the date of the coming into force of this Act, shall be admitted, if remission or a refund of a portion of such tax levied for such period has been granted before such date.

Insertion of new section 28A in Bom. II of 1932.

7. After section 28 of the said Act, the following new section shall be inserted, namely :—

Application of Part VI to certain areas subject to certain modifications.

"28A. (*1*) The provisions of this Part shall continue to extend to any area specified in clause (iv) of section 20 notwithstanding such area ceasing to be a notified area, and being declared to be a municipal district under section 4

Bom. III of 1901. Bom. VI of 1933. or the Bombay District Municipal Act, 1901, or a village under section 4 of the Bombay Village Panchayats Act, 1933.

(2) If such area is declared to be a municipal district, the provisions of this Part shall, after such declaration, apply to such area in such manner as they apply to any municipal area specified in clause (iii) of the said section 20.

(3) If such area is declared to be a village under section 4 of the Bombay Village Panchayats Act, 1933, the provisions of this Part shall after such declaration apply to such area subject to the following modifications :—

Bom. VI of 1933.

(i) in section 21—

(1) after sub-clause (*b*) in clause (1), the following new sub-clause shall be inserted, namely :—

'(*bb*) in villages the annual letting value determined in the manner prescribed ;'

(2) in clause (2)–

(*a*) after the word 'have' where it occurs for the first time the words 'in the municipal areas and in the area of the Cantonment of Ahmedabad' shall be inserted ; and

(*b*) after the words 'as the case may be' the following shall be inserted, namely :—

'and in villages the same meanings as the words houses and lands have in the Bombay Village Panchayats Act, 1933.'

Bom. VI of 1933.

(3) after clause (5) the following new clause shall be inserted, namely :–

'(5A) "Panchayat" means a panchayat established under the Bombay Village Panchayats Act, 1933' ; and

Bom. VI of 1933.

(4) after clause (8) the following new clause shall be inserted, namely :—

'(9) "Village" means a village as defined in clause (16) of section 3 of the Bombay Village Panchayats Act, 1933 Bom. VI of 1933.

(ii) in section 22 in the second proviso after the words 'Provided further that' the words 'in the municipal areas and in the area of the Cantonment of Ahmedabad' shall be inserted;

(iii) in section 23 in clause (*c*) after the words 'local board' the words 'or a Panchayat' shall be inserted;

(iv) in section 24—

(1) in sub-section (*1*) after clause (*b*) the following new clause shall be inserted, namely :—

'(*c*) in the areas within the limits of a village by the Collector or by such officer as he may authorize in this behalf.' and

(2) in sub-section (*2*) in clause (*b*) after the word 'Ahmedabad' the words 'and in any area within the limits of a village' shall be inserted;

(v) in section 24A in sub-section (*1*) for the words 'Collector of Ahmedabad' the words 'Collector concerned' shall be substituted;

(vi) in section 27 after sub-section (*1B*) the following new sub-section shall be inserted, namely :—

'(*1C*) When any building or land assessed to Urban Immoveable Property tax is situated in any village, if a remission or refund of the tax, levied on the owner or occupier of such building or land under the Bombay Village Panchayats Act, 1933, is granted under the said Act or the rules made thereunder, the Collector concerned shall remit or refund such portion of the Urban Immoveable Property tax, in such manner and subject to such conditions as may be prescribed ; and Bom. VI of 1933.

(vii) in section 29 in sub-section (*2*), after the words 'following matters' the following new clause shall be inserted, namely :—

'(*aa*) the manner in which the annual letting value of buildings and lands in villages shall be determined

(*4*) If any portion of the Urban Immoveable Property tax due in respect of any building or land situate within any such notified area for any period prior to its ceasing to be a notified area has remained in arrears on the date on which such area ceased to be a notified area, such portion shall, notwithstanding anything contained in this Part or any law for the time being in force, be collected by the same authority by which and in the same manner in which such tax due in respect of the said building or land after such date may be collected."

The following Act made by the Governor of Bombay in exercise of the powers vested in him by virtue of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, having been assented to by the Governor General on the 19th March 1941 is hereby published for general information.

P. N. MOOS,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. V OF 1941.

(First published, after having received the assent of the Governor General in the "Bombay Government Gazette" on the 27th March 1941.)

An Act to amend the Bombay Rent Restriction Act, 1939.

WHEREAS it is expedient to amend the Bombay Rent Restriction Act, 1939, for the purpose hereinafter appearing;

And whereas the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

26 Geo. 5, Ch. 2.

Now, therefore, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Rent Restriction (Amendment) Act, 1941.

(*2*) It shall come into force on 31st March 1941.

Amendment of section 1 of Bom. XVI of 1939.

2. In sub-section (*3*) of section 1 of the Bombay Rent Restriction Act, 1939, hereinafter called the said Act, for the figures "1941" the figures "1942" shall be substituted.

Bom. XVI of 1939.

Insertion of a new section 15A in Bom. XVI of 1939.

3. After section 15 of the said Act, the following new section shall be inserted, namely:—

Application of the Act to certain notified areas declared to be municipal districts or villages.

"15A. The provisions of this Act shall continue to extend to any area specified in clause (iv) of sub-section (*2*) of section 1 notwithstanding such area ceasing to be a notified area and being declared to be a municipal district under section 4 of the Bombay District Municipal Act, 1901, or a village under section 4 of the Bombay Village Panchayats Act, 1933."

Bom. III of 1901.

Bom. VI of 1933.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.